

REMARKS

Reconsideration and allowance of the above identified patent application are hereby requested. Claims 1-18 and 27-33 are now in the application with claims 1, 18, and 27 being independent. Claims 9, 27, 31, and 32 have been amended. No new matter has been added. The Office's rejections are respectfully traversed.

Rejection Under 35 U.S.C. §103(a)

Claims 1, 2, 4-16, 18, 27, 29, and 31-33 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over International Application Publication WO 99/65256 to Fernandez et al. in view of U.K. Patent Application Publication GB 2345613 to Angwin et al. Further, claims 17 and 30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fernandez et al. and Angwin et al. in view of U.S. Patent No. 6,240,391 to Ball et al. Additionally, claims 3 and 28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fernandez et al. and Angwin et al. in view of U.S. Patent No. 6,205,342 to Oakes et al. These contentions are respectfully traversed.

Claim 1

Claim 1 recites (emphasis added) "...communicatively connecting to a first server over the wireless communications network; receiving input from the user selecting an option presented by the first server to send the audio file to the email recipient; communicatively connecting the wireless communication device to a second server over the wireless communications network in response to the selected option, wherein the first server transmits a signal to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device; recording the audio file on the second server; and sending the recorded audio file to the email recipient as part of an email message."

The Office (Action of March 31, 2008 at page 3) asserts that Fernandez et al. teach (emphasis added) "receiving input from the user selecting an option presented by the first server

to send the audio file to the e-mail recipient (i.e. reply to e-mail with an audio file attached to an e-mail; page 12, lines 20);....” Additionally, the Office (*Id.* at page 4) asserts that Fernandez et al. teach (emphasis added) “communicatively connecting the wireless communication device to a second server (i.e. IVR server) over the wireless communications network in response to the selected option, (i.e. user calls into IVR server after notification received;....” The proposed combination of Fernandez et al. and Angwin et al. fails to disclose the claimed subject matter.

Fernandez et al. do not disclose or suggest that the first server presents an option to send an audio file to the email recipient. Rather, Fernandez et al. (page 9, lines 2-26) disclose (emphasis added) “an e-mail notification and delivery engine 10” that can communicate with multiple e-mail systems. Fernandez et al. (page 11, lines 18-31) further disclose (emphasis added) “a computer 72 which acts as a main server and database and comprises an e-mail and v-mail paging notification and delivery engine, much like engine 10....” With respect to the main server, Fernandez et al. (page 11, lines 13-16) teach that (emphasis added)....

...for messages satisfying the rules, summarizes those messages and sends them and notifications to the user’s digital mobile phone via the appropriate data and messaging interfaces specified for the user in the database;....

Thus, Fernandez et al. teach that the main server sends summaries and notifications of e-mail messages to a user’s mobile phone. However, Fernandez et al. do not disclose or suggest that the summaries or notifications include an option to send the audio file to the e-mail recipient. Fernandez et al. also do not disclose or suggest that the main server presents an option to send an audio file to the email recipient.

Rather, Fernandez et al. (page 5, lines 12-15 and page 12, lines 19-20) disclose that the user can call an interactive voice response (IVR) server to “obtain text-to-speech playback of e-mail messages.” Further, Fernandez et al. (*Id.*) teach that the IVR server provides the option to (emphasis added) “reply to e-mail messages with an audio file attached to an e-mail response.” Therefore, Fernandez et al. teach that the IVR server, which the Office (Action of March 31, 2008 at page 4) identifies as the second server, both presents e-mail messages and permits a user to reply to a message using an attached audio file. Accordingly, Fernandez et al. do not disclose or suggest receiving input from the user selecting an option presented by the first server to send

the audio file to the email recipient and communicatively connecting the wireless communication device to a second server over the wireless communications network in response to the selected option, as recited in claim 1.

Additionally, the Office (*Id.*) concedes that Fernandez et al. do not disclose that the first server transmits a signal to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device. However, the Office (*Id.*) asserts that Angwin et al. teach the claimed subject matter by disclosing “identity notification for mobile phone; page 9, lines 25-27” and that “alert message triggers establishment of second connection for voice data; page 8, lines 18-45.” Angwin et al. also fail to disclose the claimed subject matter.

Angwin et al. (page 9, lines 6-27) teach that a new connection is established if a call connection between a mobile telephone and a messaging center terminates during the call. Angwin et al. (*Id.*) further disclose that the new connection may have a different communications path and the new connection also would have (emphasis added) “a new identity (IP address) notification for the mobile telephone.” However, the cited portion of Angwin et al. does not disclose or suggest transmitting a signal indicating a pending connection with a wireless communication device. To the contrary, Angwin et al. merely disclose that a new IP address is associated with the mobile telephone as a result of establishing the new connection.

Further, Angwin et al. (page 8, lines 18-45) disclose establishing a first connection between a mobile telephone and a messaging center for the transmission of alert messages. Angwin et al. (*Id.*) also disclose establishing a second connection between the mobile telephone and the messaging center for the transmission of voice data in response to alerts. Nonetheless, Angwin et al. do not disclose or suggest that a first server transmits a signal to a second server indicating a pending connection with the wireless communication device. To the contrary, Angwin et al. teach that the alert message is transmitted between the mobile telephone and the messaging center, not first and second servers. Accordingly, the proposed combination of Fernandez et al. and Angwin et al. fails to disclose or suggest that a first server transmits a signal to a second server indicating a pending connection with the wireless communication device, the

signal including information identifying the wireless communication device, as is recited in claim 1.

Moreover, there is insufficient motivation to combine Fernandez et al. with Angwin et al. in the manner suggested by the Office. As discussed above, Fernandez et al. (page 5, lines 12-15 and page 12, lines 19-20) teach that a single server, the IVR server, is used to playback e-mail messages and to reply to e-mail messages with an audio file attached to an e-mail response. Therefore, there is no need in the system of Fernandez et al. to transmit a signal from a first server to a second server indicating a pending connection with the wireless communication device.

Oakes et al. and Ball et al. also fail to cure the deficiencies of Fernandez et al. and Angwin et al. For example, the disclosure of Oakes et al. is directed to composing text messages on a wireless electronic device. Oakes et al. are silent with respect to audio files. Further, the disclosure of Ball et al. is directed to the presentation of voice mail messages. However, Ball et al. do not disclose communicatively connecting a wireless communication device to a second server in response to an option selected on a first server. Thus, neither Oakes et al. nor Ball et al. disclose or suggest receiving input from a user selecting an option presented by a first server to send an audio file to an email recipient and communicatively connecting a wireless communication device to a second server over the wireless communications network in response to the selected option, as recited in claim 1.

For at least these reasons, claim 1 is allowable over the proposed combination of Fernandez et al. and Angwin et al. Claims 2-17 depend from claim 1 and therefore are allowable at least based on claim 1.

Further, claim 18 includes subject matter similar to that of claim 1. For example, claim 18 recites (emphasis added) "...receiving input selecting an option presented by the email server to send a voice message to the email recipient; communicatively connecting the wireless communication device to an interactive voice response server over the wireless communication network in response to the selected option, wherein the email server transmits a signal to the interactive voice response server indicating a pending connection with the wireless

communication device, the signal including information identifying the wireless communication device;....” Therefore, claim 18 is allowable over the proposed combination of Fernandez et al. and Angwin et al. for at least the reasons discussed with respect to claim 1.

Claim 2

Claim 2 recites (emphasis added) “The method of claim 1, wherein the step of communicatively connecting to a first server further comprises: dialing a phone number for connecting to the first server using the wireless communication device; and establishing a data packet connection between the wireless communication device and the first server.”

The Office (Action of March 31, 2008 at page 9) asserts that Fernandez et al. disclose (emphasis added) “dialing a phone number (i.e. logging into system using users mobile phone number; page 22, lines 5-8) for connecting to the first server using the wireless communications device;....” Fernandez et al. fail to disclose or suggest the claimed subject matter.

Fernandez et al. (page 22, lines 1-8) disclose that subscribers log on to a web interface using their mobile phone number and a password. Fernandez et al. (page 18, line 5) also teach that (emphasis added) “Using a browser, the subscriber connects to the system’s home page.” Entering a mobile phone number and a password into a web interface is not equivalent to dialing a phone number for connecting to a server. Rather, Fernandez et al. teach using the subscriber’s mobile phone number as a user identifier. Accordingly, Fernandez et al. do not disclose or suggest dialing a phone number for connecting to the first server using the wireless communication device, as recited in claim 2.

Additionally, Angwin et al. do not cure the deficiencies of Fernandez et al. For example, Angwin et al. (page 2, lines 4-8) disclose dialing a phone number with respect to establishing a voice connection. However, Angwin et al. do not disclose or suggest dialing a phone number for connecting to a server.

For at least these reasons, claim 2 also is allowable over the proposed combination of Fernandez et al. and Angwin et al. based on its own merits.

Claim 7

Claim 7 recites (emphasis added) “The method of claim 5, wherein the terminating the connection with the first server comprises storing a set of state information on the wireless communication device, the state information comprising a status of an interaction between the wireless communication device and the first server for allowing the wireless communication device to return to the same state in the first server that existed prior to terminating the connection.”

The Office (Action of March 31, 2008 at page 10) asserts that Angwin et al. disclose the claimed subject matter at page 9, lines 1-27. However, Angwin et al. are silent as to the storage of state information. Instead, the cited portion of Angwin et al. (page 9, lines 1-27) discloses transferring an alert between a mobile telephone and a messaging center via a first control path, and establishing a separate call connection between the mobile telephone and the messaging center after the alert has been received. Further, the cited portion of Angwin teaches that all subsequent data and control information is sent over the call connection. Angwin et al. do not, however, disclose or suggest storing any state information, much less state information comprising a status of an interaction between the wireless communication device and the first server.

Rather, Angwin et al. (*Id.*) simply disclose that if the call connection terminates during the call, a new connection has to be established. Further, Angwin et al. (*Id.*) disclose that the communication path may be different on reconnection and that the new connection is (emphasis added) “...accompanied by a new identity (IP address) notification for the mobile telephone.” Thus, Angwin et al. do not disclose or suggest storing state information comprising a status of an interaction between the wireless communication device and the first server on the wireless communication device, as recited in claim 7. Moreover, Angwin et al. do not disclose storing state information allowing the wireless communication device to return to the same state in the first server that existed prior to terminating the connection, as also is recited in claim 7. To the contrary, Angwin et al. teach establishing a new connection with a new address.

Fernandez et al. do not cure the deficiencies of Angwin et al. For example, Fernandez et al. do not disclose storing state information on a wireless communication device. For at least these reasons, claim 7 also is allowable over the proposed combination of Fernandez et al. and Angwin et al. based on its own merits.

Claim 11

Claim 11 recites (emphasis added) “The method of claim 1, further comprising: disconnecting from the first server in order to communicatively connect to the second server; and reconnecting to the first server before sending the recorded audio file to the email recipient.”

The Office (Action of March 31, 2008 at page 11) asserts that Fernandez et al. disclose (emphasis added)...

disconnecting from the first server in order to communicatively connect to the second server; and reconnecting to the first server before sending the recorded audio file to the email recipient (page 16, lines 22-31; page 22, line 29-page 23, line 5).

Fernandez et al. fail to disclose the claimed subject matter.

Fernandez et al. (page 16, lines 22-31) disclose retrieving and formatting e-mail messages to be “text-to-speech ‘friendly’,” and sending the formatted messages to the text-to-speech IVR application. Further, Fernandez et al. (page 22, line 29-page 23, line 5) disclose playing back the text-to-speech conversion of an e-mail message. However, the cited portions of Fernandez et al. do not disclose or suggest sending a recorded audio file to an email recipient.

Moreover, Fernandez et al. (page 12, lines 3-20) teach that the IVR server permits a subscriber to (emphasis added) “reply to e-mail messages with an audio file attached to an e-mail response.” However, Fernandez et al. teach that the subscriber performs the operation to reply to an e-mail with an audio file attachment while connected to the IVR server. Fernandez et al. do not disclose or suggest disconnecting from the IVR server before sending the recorded audio file. Accordingly, Fernandez et al. also do not disclose or suggest disconnecting from the first server in order to communicatively connect to the second server; and reconnecting to the first server before sending the recorded audio file to the email recipient, as recited in claim 11.

Angwin et al. do not cure the deficiencies of Fernandez et al. Rather, Angwin et al. do not disclose or suggest sending a recorded audio file to an email recipient. For at least these reasons, claim 11 also is allowable over the proposed combination of Fernandez et al. and Angwin et al. based on its own merits.

Claim 27

Claim 27 recites (emphasis added) “receiving, by a mail server, input from the wireless communication device selecting an option to associate an audio file with the email message; instructing, by the mail server, the wireless communication device to connect to a voice server; transmitting a signal from the mail server to the voice server indicating a pending connection with the wireless communication device, wherein the signal includes information uniquely identifying the wireless communication device; receiving, by the mail server, input from the voice server indicating that the audio file is available; and transmitting, by the mail server, a representation of the audio file in association with the email message.”

As discussed above with respect to claim 1, the proposed combination of Fernandez et al. and Angwin et al. does not disclose or suggest that a first server, such as the mail server, transmits a signal to a second server, such as the voice server, indicating a pending connection with the wireless communication device, wherein the signal includes information identifying the wireless communication device.

Further, as amended, claim 27 recites (emphasis added) “instructing, by the mail server, the wireless communication device to connect to a voice server.” The Office (Action of March 31, 2008 at page 7) asserts that Fernandez et al. disclose “instructing the wireless communication device to connect to a voice server...(i.e. user calls into IVR server after notification received...)” However, Fernandez et al. do not disclose or suggest that the mail server instructs the wireless communication device to connect to a voice server.

Rather, Fernandez et al. (page 22, line 29) disclose (emphasis added) “To reach the E-mail Retrieval IVR subsystem, the subscriber will dial the system.” Fernandez et al. (page 5, lines 12-13) also disclose that (emphasis added) “the user may call in to an interactive voice

response server which is interfaced to the e-mail forwarding system, to obtain text-to-speech playback of e-mail messages.” Thus, Fernandez et al. teach that the user initiates the connection to the IVR server from the mobile telephone. Accordingly, Fernandez et al. do not disclose or suggest instructing, by the mail server, the wireless communication device to connect to a voice server, as recited in claim 27.

Moreover, Fernandez et al. also do not disclose transmitting, by the mail server, a representation of the audio file in association with the email message. To the contrary, Fernandez et al. (page 5, lines 14-15) disclose (emphasis added) “...the user may then dictate an immediate response to the IVR server which [] then is returned to the sender as a voice file attachment in a reply e-mail.” Fernandez et al. (page 17, lines 1-5) also disclose (emphasis added) “A recording of the user’s voice is made by the IVR subsystem and...sent to the ‘reply-to’ address contained in the original message....” Thus, Fernandez et al. teach that the IVR server, not the mail server, sends the reply e-mail with the voice file attachment. Accordingly, Fernandez et al. also do not disclose or suggest transmitting, by the mail server, a representation of the audio file in association with the email message, as recited in claim 27.

As discussed above with respect to claim 1, Oakes et al. and Ball et al. also fail to cure the deficiencies of Fernandez et al. and Angwin et al. For example, neither Oakes et al. nor Ball et al. disclose or suggest that a first server transmits a signal to a second server indicating a pending connection with the wireless communication device.

For at least these reasons, claim 27 is allowable over the proposed combination of Fernandez et al. and Angwin et al. Further, claims 28-33 depend from claim 27 and thus are allowable at least based on claim 27.

Claim 32

Claim 32 recites (emphasis added) “The method of claim 27, wherein receiving, by the mail server, input from the voice server indicating that the audio file is available further comprises: receiving information identifying the wireless communication device with which the audio file is associated.”

The Office (Action of March 31, 2008 at page 12) asserts that Fernandez et al. disclose that (emphasis added)...

receiving input from the voice server indicating that the audio file is available further comprises: receiving information identifying the wireless communication device with which the audio file is associated (page 22, line 5-page 23 line 14).

Fernandez et al. fail to disclose the claimed subject matter.

Fernandez et al. (page 22, line 5 – page 23, line 14) disclose the format of voice mail notifications and e-mail notifications sent to a mobile phone. However, Fernandez et al. do not suggest that the notifications are received from a voice server or that they indicate that an audio file is available. Further, Fernandez et al. (*Id.*) disclose using the IVR system for message playback using text-to-speech conversion and to provide the opportunity to send a voice response to a message that is played back. Thus, Fernandez et al. teach that the IVR system is used both to listen to an e-mail message and to respond to the e-mail message using a voice response.

Accordingly, Fernandez et al. do not disclose or suggest that the voice server provides input indicating that the audio file to be associated with an e-mail message is available. To the contrary, Fernandez et al. teach that the IVR sends the voice response to the e-mail message. Thus, Fernandez et al. also do not disclose or suggest that receiving input from the voice server indicating that the audio file is available further comprises receiving information identifying the wireless communication device with which the audio file is associated, as recited in claim 32. Further, Angwin et al. do not cure the deficiencies of Fernandez et al. For example, Angwin et al. do not disclose a voice server that provides input indicating that an audio file is available.

For at least these reasons, claim 32 also is allowable over the proposed combination of Fernandez et al. and Angwin et al. based on its own merits.

Concluding Comments

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the above remarks, claims 1-18 and 27-33 are in condition for allowance and a formal notice of allowance is respectfully requested. Please apply a charge of \$120.00 for the Petition for Extension of Time fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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/John C. Phillips/
John C. Phillips
Reg. No. 35,322

Fish & Richardson P.C.
PTO Customer No. 20985
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10860924.doc